

Filed 12/6/13

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

Clerk, U. S. District Court  
Western District of Texas

By ★

Deputy

DON LEE, INDIVIDUALLY AND ON BEHALF  
OF ALL OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

ACTIVE POWER, INC., STEVEN R. FIFE, DOUG  
MILNER,

Defendants.

Civil Action No.: 1:13-cv-00797-SS

~~PROPOSED~~ ORDER OF  
BAHADIR ONALAN APPOINTING  
LEAD PLAINTIFF AND COUNSEL

CLASS ACTION

WHEREAS, the above-captioned securities class action (the "Securities Class Action") has been filed against Active Power, Inc. et. al, (collectively "Defendants"), alleging violations of the federal securities laws;

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4(a)(3)(A)(i), on September 10, 2013 Plaintiff in the first-filed action caused notice to be issued to potential class members of the action and informed them of their right to move to serve as lead plaintiff within 60 days of the date of the issuance of said notice;

WHEREAS, on November 12, 2013, Movant Bahadir Onalan ("Movant") moved the Court for: (1) appointment as lead plaintiff; and (2) approval of his selection of counsel

WHEREAS, the PSLRA provides, *inter alia*, that the most-adequate plaintiff to serve as lead plaintiff is the person or group of persons that has either filed a complaint or has made a

motion in response to a notice and has the largest financial interest in the relief sought by the Class and satisfied the pertinent requirements of Fed. R. Civ. P. 23;

WHEREAS, the Court finding that Bahadir Onalan has the largest financial interest in this action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23. See 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); and

**IT IS HEREBY ORDERED THAT:**

**APPOINTMENT OF LEAD PLAINTIFF AND COUNSEL**


1. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B), Bahadir Onalan is appointed as Lead Plaintiff for the class as he has the largest financial interest in this litigation and otherwise satisfies the requirements of Fed. R. Civ. P. 23.

2. Movant's selection of counsel is approved, and accordingly, The Rosen Law Firm, P.A. is appointed Lead Counsel and Payne Mitchell Law Group is appointed Liaison Counsel.

3. Lead Counsel shall manage the prosecution of this litigation. Lead Counsel are to avoid duplicative or unproductive activities and are hereby vested by the Court with the responsibilities that include, without limitation, the following: (1) to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of motions in accordance with the schedules set by the orders and rules of this Court; (3) to initiate and direct discovery; (4) prepare the case for trial; and (5) to engage in settlement negotiations on behalf of the Lead Plaintiff and Class.

**SO ORDERED:**

Dated: December 6, 2013

  
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HON. SAM SPARKS  
United States District Judge  
Western District of Texas